

OFFICIAL COPY

Fresno, California

February 26, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Scott Borman, New Covenant Community Church, gave the invocation, and Reserve Officer Ken Kast led the Pledge of Allegiance to the Flag.

PROCLAMATION OF RETIRED RESERVE CAPTAIN CARL MITCHELL DAY - MAYOR AUTRY AND CITY COUNCIL

PROCLAMATION OF WOMEN IN CONSTRUCTION WEEK - COUNCILMEMBER BOYAJIAN

RESOLUTION OF COMMENDATION TO FLEET MANAGEMENT DIVISION FOR RECEIVING THE AUTOMOTIVE SERVICE EXCELLENCE (ASE) BLUE SEAL OF EXCELLENCE - COUNCILMEMBER QUINTERO

RESOLUTION OF COMMENDATION TO BOBBY WILLINGHAM - COUNCILMEMBER DUNCAN

RECOGNITION OF EDISON HIGH SCHOOL ACADEMIC DECATHLON WINNERS - COUNCILMEMBER RONQUILLO AND MAYOR AUTRY

PRESENTATION OF DISTRICT 7 STUDENT OF THE QUARTER AWARDS - PRESIDENT PEREA

PRESENTATION OF DONATION TO THE POLICE ACTIVITIES LEAGUE (PAL) BY THE DEPARTMENT OF PUBLIC UTILITIES EMPLOYEE FunRaiser COMMITTEE - COUNCILMEMBER DUNCAN

The above proclamations and resolutions were read and presented.

- - - -

The City Council recessed at 9:19 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF FEBRUARY 12, 2002

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Agency minutes of February 12, 2002, approved as submitted.

(“A”) PROVIDE REPORT TO AND RECEIVE DIRECTION FROM THE AGENCY BOARD REGARDING CURRENT POLICY AND PRACTICE IN USING PUBLIC WORKS STAFF OR OUTSIDE FIRMS FOR CONSTRUCTION MANAGEMENT OF AGENCY PUBLIC WORKS PROJECTS

Agency Director Fitzpatrick reviewed the issue **(2 - 0)** as contained in the staff report as submitted and recommended staff be directed to develop a policy.

Barbara Hunt, 612 “F” Street, spoke in opposition to contracting out.

A motion and second was made to direct staff to develop a policy and Mr. Fitzpatrick responded briefly to questions relative to timeline for the policy to be brought back. Councilmember Ronquillo and City Manager Hobbs commented on and in support of a policy that provides for flexibility and oversight by both the City and the Agency.

On motion of President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the matter referred back to Redevelopment Agency, Public Works, and legal staff to meet on development of a construction management policy that provides the Redevelopment Agency flexibility for contracting out for construction management services yet protect City oversight and inspection of its facilities, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

UNSCHEDULED AGENCY ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING NEED TO HIRE LOCAL CITIZENS IN AREAS WHERE PROJECT WORK IS OCCURRING

Appearance made; no action taken.

The joint bodies adjourned their meeting at 9:30 a.m. and the City Council reconvened in regular session.

APPROVE CITY COUNCIL MINUTES OF FEBRUARY 12, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of February 12, 2002, approved as submitted.

APPROVE AGENDA:

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

ADOPT CONSENT CALENDAR:

(1A) APPROVE APPOINTMENT OF AUGIE CALDERA TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD OF DIRECTORS - MAYOR AUTRY

(1B) RESOLUTION NO. 2002-64 - AUTHORIZING THE TRANSIT GENERAL MANAGER TO EXECUTE AN AGREEMENT, CONTINGENT UPON APPROVAL BY THE CITY ATTORNEY'S OFFICE, WITH THE CALIFORNIA ENERGY COMMISSION (CEC) AND THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT (SJVUAPCD) TO RECEIVE \$550,000 IN GRANT FUNDS THAT WOULD BE USED TO MITIGATE THE COST OF CONSTRUCTING A NATURAL GAS FILLING FUELING STATION (ALTERNATIVE FUEL INFRASTRUCTURE FUNDS)

(1E) AWARD A CONTRACT TO HAAKER EQUIPMENT COMPANY OF POMONA, CA, IN THE AMOUNT OF \$452,939.08 FOR THREE (3) NEW CLASS 7 TRUCK MOUNTED BROOM TYPE STREET SWEEPERS

(1F) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO MCCAIN TRAFFIC SUPPLY, INC., OF VISTA, CA, IN THE AMOUNT OF \$40,642.12 FOR REPAIR AND MAINTENANCE OF TRAFFIC SIGNALS THROUGHOUT THE CITY

(1G) AWARD A CONTRACT FOR THE BASE BID ONLY IN THE AMOUNT OF \$578,223 TO SCHINDLER ELEVATOR CORPORATION OF SAN LEANDRO, CA, (BRANCH OFFICE IN FRESNO) FOR THE UPGRADE AND MODERNIZATION OF ELEVATORS AT PARKING GARAGE NOS. 4, 7 AND 8, AND THE REMOVAL FO ESCALATORS IN PARKING GARAGE NO. 8

(1K) RESOLUTION NO. 2002-65 - BOND RESOLUTION TO ALLOW REIMBURSEMENT TO PUBLIC WORKS FOR INITIAL EFFECTS ON THE CONSTRUCTION OF A NEW PARKING STRUCTURE AT THE CONVENTION CENTER (REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS)

(1N) AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE AN AGREEMENT, SUBJECT TO FINAL APPROVAL AS TO FORM BY TE CITY ATTORNEY'S OFFICE), WITH THE UNITED WAY OF FRESNO COUNTY

1. RESOLUTION NO. 2002-66 - 65TH AMENDMENT TO AAR 01-200 APPROPRIATING \$100,000 FOR THE WEED AND SEED PROGRAM

(10) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT, SUBJECT TO FINAL APPROVAL AS TO FORM BY THE CITY ATTORNEY’S OFFICE, WITH THE HOUSING AUTHORITIES OF THE CITY AND COUNTY OF FRESNO TO RECEIVE \$145,000 TO CONTINUE PROVIDING POLICING SERVICES FOR THE “EVICT NARCOTICS IN PUBLIC HOUSING” PROGRAM

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

DIRECT STAFF TO PREPARE A TEXT AMENDMENT LIMITING RECYCLING/GREEN WASTE FACILITIES TO AREAS WHERE THEY WILL NOT HAVE DIRE AFFECTS ON CITIZENS/RESIDENCES - COUNCILMEMBER RONQUILLO

Direction made with Councilmember Ronquillo expressing concern that the City has not done anything to deal with the issue and stated research was needed on the health hazards.

REQUEST FOR STATUS REPORT ON PLAQUE FOR THE DOWNTOWN STADIUM - PRESIDENT PEREA

Request made.

DIRECT STAFF TO SCHEDULE ON THE MARCH 5TH AGENDA A RESOLUTION EXTENDING RESOLUTION

NO. 01-300 AUTHORIZING PAYMENT OF SALARY DIFFERENCE BENEFIT TO CITY EMPLOYEES WHO HAVE BEEN ACTIVATED AS A RESULT OF OPERATION INFINITE JUSTICE - PRESIDENT PEREA

Direction made.

- - - -

(9:00 A.M.) APPEARANCE BY MARY SAVALA OF THE LEAGUE OF WOMEN VOTERS OF FRESNO TO DISCUSS ALLOCATION OF FUNDS TO SOCIAL SERVICE AGENCIES IN THE NEXT CITY BUDGET PROCESS

Ms. Savala requested the process be made clear and an early commitment made on how the funds would be allocated and further requested Council not “unravel” the process at the last moment like last year and explained. There was no discussion and no action was taken.

- - - -

(9:30 A.M.) CONSIDER CONTINUATION OF RESOLUTION NO. 01-337 WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT BASED UPON THE THREAT OF ENEMY ATTACK OR SABOTAGE

1. RESOLUTION NO. 2002-67 - CONTINUING RES. 01-337 WHICH PROCLAIMED A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, BASED UPON CONTINUING EXISTENCE OF FACTS AND CIRCUMSTANCES OF THE THREAT OF ENEMY ATTACK OR SABOTAGE

A motion and second was made to adopt the resolution.

Assistant City Manager Souza and Col. Skaggs reviewed the issue as contained in the staff report including the ongoing issue of McKinley Avenue closure, the concern with jets loaded with live ammunition and threat to public safety if McKinley were to be opened, and the pursuit of a mitigation measure to open McKinley by extending the blast wall along McKinley and project funding.

Councilmember Calhoun expressed his concern with the continued closure of McKinley stating McKinley was a vital artery in the city, and questioned if Council's help was needed in building the wall and securing funding and if other cities were experiencing this problem, with Col. Skaggs responding. Councilmember Calhoun offered an amendment to the motion to direct staff to prepare a letter to be signed by the Council President and possibly the Mayor adding additional weight to Council's concern on the continued closure of McKinley and getting funding for the wall project post-haste. Acting President Castillo stated he would support the amendment, presented questions relative to the target date for completion of the blast wall, and requested the target date (late July) for opening McKinley be included in the letter so the Department of Defense will be aware of the need to fund the wall project. Councilmember Ronquillo requested an urgency letter also be sent to the congressional representatives. Col. Skaggs responded to questions of President Perea relative to the status of the F-15's and Col. Skaggs requested Council also include in the letter the need for the F-15 jet fighters to defend California against the threat of additional attack. The amendments were accepted by the motion makers.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-67 hereby adopted, and staff directed to prepare and send a letter to the Department of Defense and congressional representatives signed by the Council President and the Mayor expressing the City of Fresno's concern with the closure of McKinley Avenue, the urgent need to fund the blast wall extension project, and the need for the F-15 jet fighters, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(9:35 A.M.) DISCUSSION REGARDING TRAFFIC CONTROL DEVICES

Chief Transportation Engineering Technician Madewell reviewed the issue as contained in the staff report and submitted and reviewed the warrant policies for installation of stop signs and traffic signals at length. Councilmember Ronquillo left the meeting at 10:03 a.m. Mr. Madewell continued and along with City Attorney Montoy responded to questions and/or comments of Councilmembers Duncan, Quintero, Boyajian and President Perea relative to number of intersections that have met warrants and are awaiting funding, timeline to get funding, if installed stop signs that did not meet warrants posed a liability to the City (**3 - 0**), stop signs that were installed without warrants and if it was best to remove them or leave them alone, if there was a legal timeline to install stop signs/signals that meet warrants,

Councilmember Quintero explaining why he was requesting installation of stop signs this date and questioning if they fell under Warrant #4 for school areas, flexibility in dealing with older neighborhoods and school areas, speed bumps and if the process had been changed, if speed bumps paid for by neighborhoods still had to meet warrants, crosswalk policy and warrants, and neighborhoods that do not fall or fit under the current policy and if policy could be changed. There was no further discussion.

- - - -

(10:00 A.M.) HEARING REGARDING THE VACATION OF PORTIONS OF “F” STREET AND THE “E”-”F” ALLEY SOUTHEASTERLY FROM SANTA CLARA STREET - R.I. 1026-D

1. RESOLUTION NO. 2002-68 - ORDERING THE VACATION OF THE REMAINING PORTIONS OF “F” STREET AND THE “E”-”F” ALLEY SOUTHEASTERLY FROM SANTA CLARA STREET

President Perea announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Holmes gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 612 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-68 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-28, REZONING APPLICATION NO. R-01-48, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW BETWEEN E. SHEPHERD AND E. PERRIN AVENUES (DISTRICT 6)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-28, R-01-48, R-5048

2. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM -and-

(11:00 A.M.) HEARING TO CONSIDER PLAN AMENDMENT NO. A-01-07, REZONING APPLICATION NO. R-01-09, AND ENVIRONMENTAL FINDINGS, FILED BY ALUISI DEVELOPMENT, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. COPPER AVENUE AND THE N. CEDAR AVENUE ALIGNMENT (DISTRICT 6)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-07, R-01-09, R-5010

2. RESOLUTION - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro advised the above project areas were located in the county and that the Board of Supervisors was scheduled to hear the matters at 2:00 p.m. this date, and recommended the two hearings be continued to later in the afternoon. A motion and second was made to continue the hearings to 4:15 p.m.

Patience Milrod, 844 N. Van Ness, stated she would be unable to appear later in the day and entered her comments into the record speaking in opposition to both projects stating there were significant environmental impacts and elaborated and stated issuing a negative declaration was illegal. Councilmember Ronquillo returned to the meeting at 10:27 a.m.

Councilmember Boyajian spoke in opposition to the continuance stating Council could take action at this time as scheduled and condition approval on the County's action.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled 10:15 A.M. and 11:00 A.M. hearings continued to 4:15 p.m. this date, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian, Quintero
Absent	:	None

- - - -

(10:30 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-01-42 AND ENVIRONMENTAL FINDINGS, FILED BY AMERICAN CAMPUS-TITAN LLC, PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. BARSTOW AND N. TENTH STREET, WEST OF N. CEDAR AVENUE - 1680 E. BARSTOW AVENUE (DISTRICT 4)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-42

2. BILL NO. B-14 - ORDINANCE NO. 2002-13 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C TO R-3/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach and Acting President Castillo reviewed the issue with Acting President Castillo advising he met with the involved parties, was satisfied with the parking arrangements, and made a motion to approve staff's recommendation.

Thomas Domeno, 5449 N. 10th Street, Arbor Place Apartments, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Mr. Beach responded to questions, comments and concerns of Councilmember Boyajian relative to how the parking issue was addressed, if a 1993 traffic study was used, what the solution was based on, continued concern with the parking issue including lack of parking structures and progress by FSU, this being a good project but the result would be more congestion/problems with no solutions, and the Save Mart Arena adding more problems with no mitigation proposed. Councilmember Duncan commented on the issue stating the complex was within walking distance to the school and a lot of student residents would not have cars, and stated this was a quality housing project.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. R-01-042/C-01-186 hereby approved, and the above entitled Bill No. B-14 adopted as Ordinance No. 2002-13, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(10:45 A.M.) HEARING ON CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-01-098, FILED BY MAULDIN-DORFMEIER CONSTRUCTION., C/O AB PARKING FACILITIES, LLC, REQUESTING AUTHORIZATION TO CONSTRUCT A SIX STORY PARKING GARAGE AND INSTALLATION OF THREE PHOSPHORIC ACID FUEL CELL GENERATORS, PROPERTY LOCATED ON THE NORTHEAST CORNER OF BROADWAY PLAZA AND MARIPOSA MALL, ZONED C-4 (DISTRICT 3)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-01-098
2. CONSIDER AND ADOPT CONDITIONAL USE PERMIT APPLICATION NO. C-01-98
3. **RESOLUTION NO 2002-69** - APPROVING CUP NO. C-01-098

President Perea announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 612 “F” Street, spoke to the issue and questioned who would receive the revenues.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Duncan commented briefly stating this was part of the Guarantee Savings building project and made a motion to approve staff’s recommendation. Councilmember Ronquillo seconded the motion, spoke in support, and commended the investors and staff. President Perea noted the fuel cell generators to power the facility was also an important part of the project and stated the investors showed tremendous leadership.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mitigated Negative Declaration for Conditional Use Permit No. C-098 hereby approved, and the above entitled Resolution No. 2002-69 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

Council commended Martin McIntyre on his appointment as Public Utilities Director.

(3A) AUTHORIZE THE EXECUTION OF AMENDMENTS TO AGREEMENTS WITH KOCHERGEN FARMS AND SUNSET WASTE PAPER, INC., FOR GREEN WASTE TRANSPORTATION AND PROCESSING SERVICES

Public Utilities Director McIntyre gave a brief overview of the issue as contained in the staff report and recommended approval. Acting President Castillo briefly left the meeting at 10:51 a.m. Councilmember Ronquillo commented briefly, spoke in support, and made a motion to approve staff's recommendation.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Public utilities Director authorized to execute contract amendments, extending the respective contract terms, subject to approval as to form by the City Attorney's Office, as follows: (1) Amend the contract dated June 20, 2001, as amended on August 21, 2001, with KOCHERGEN FARMS, dba Kochergen Farms Composting, to extend green waste processing services to August 30, 2002, with option in City to extend for an additional six months on a month-to-month basis, if necessary, as a contingency plan; and (2) Amend the contract dated May 11, 2001, as amended on June 20, 2001, and August 21, 2001, with SUNSET WASTE PAPER, INC., to extend green waste transportation services to August 30, 2002, with option in City to extend for an additional six months, on a month-to-month basis, if necessary, as a contingency plan, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo

- - - -

(3B) APPROVE OPTION AND PURCHASE AGREEMENT SUBMITTED BY LANDWEST, LLC FOR CITY PROPERTIES AT 1615 EL DORADO STREET

Assistant Public Works Director Holmes corrected cost figures in the staff report to reflect a temporary operating cost of \$41,000 instead of the \$56,700 indicated, and a motion and second was made to approve staff's recommendation. Acting President Castillo returned to the meeting at 10:52 a.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Option and Purchase Agreement with Landwest hereby approved, with modifications as necessary to clarify minor terms of the agreement; the Director of Public Utilities authorized and directed to complete a CEQA assessment and sign all documents necessary to conclude the Option Agreement for Purchase and Sale of Real Estate (upon approval as to form by the City Attorney's Office); and temporary storage space for the Solid Waste Division is to be provided by Landwest at no increased cost to the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

- - - -

(5B) INSTALLATION OF STOP SIGNS THAT DO NOT MEET WARRANTS (REQUEST IS FOR IMMEDIATE STREETS BEHIND SEQUOIA MIDDLE SCHOOL) - COUNCILMEMBER QUINTERO

1. ONE (1) STOP SIGN ON BRALY AVENUE FOR EAST BOUND TRAFFIC AT 9TH STREET
2. TWO (2) STOP SIGNS ON 9TH STREET FOR NORTH AND SOUTH BOUND TRAFFIC AT WOODWARD AVENUE

Laid over to March 12, 2002.

- - - -

(5A) DIRECT CITY ATTORNEY TO DRAFT AN ORDINANCE THAT WILL ALLOW THE CITY TO CONTROL THE UNSAFE CONDITIONS OF CARS FOR SALE ON CITY STREETS - COUNCILMEMBER DUNCAN

Reviewed by Councilmember Duncan who stated he has witnessed near accidents by people suddenly stopping in streets while driving to look at cars for sale, acknowledged First Amendment Rights but stated public safety was at issue, and requested the City Attorney look at more aggressive ways to deal with cars for sale parked on city streets and made a motion to approve his direction, **(4 - 0)** which motion was seconded and acted upon after discussion.

Barbara Hunt 612 "F" Street, spoke in opposition to the motion and to people's rights.

City Attorney Montoy and Councilmember Duncan clarified issues and/or responded to questions of Councilmembers Boyajian, Calhoun and President Perea relative to existing ordinances, cars parked on streets being legal and Councilmember Duncan's intent being to approach the problem as a public safety issue, only streets being affected and not lots, number of parked vehicles on streets, a homeowner with a car parked on his street not being at issue, Councilmember Calhoun expressing concern with trying to single out circumstances and stating warnings and/or citations were the solution, unpaved vacant lots being addressed with an existing ordinance, and staff researching the issue and amount of staff time that would be involved.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, **RESOLVED**, the City Attorney requested to draft an ordinance that will allow the city to control the unsafe conditions of cars for sale on city streets, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

Brief discussion ensued with Ms. Montoy and City Manager Hobbs responding to additional questions of Councilmember Calhoun relative to ability to instruct the police department to enforce existing ordinances and issue warnings or tickers, ticketing upon request, cars that were ticketed with warnings this past weekend in District 6, and need to enforce existing law if it is not being done.

- - - -

(11:15 A.M.) PRESENTATION BY THE HUNTINGTON BOULEVARD HOMEOWNERS HISTORICAL ASSOCIATION ON PLANS TO ERECT ENTRANCE MONUMENTS DESIGNATING "HUNTINGTON BOULEVARD" ON FIRST STREET AND CEDAR AVENUE - COUNCILMEMBER QUINTERO

Penny Raven and Mr. and Mrs. Marvin Baker reviewed the plans using drawings to illustrate, and distributed informational material to Council. Brief discussion ensued with Council members speaking in support and commending the association for their many efforts and Ms. Raven responding to questions relative to project funding and timeline.

- - - -

RECESS - 11:26 A.M. - 11:38 A.M.

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT REGARDING NEED FOR HOUSING AND SOCIAL SERVICES FOR WEST FRESNO

Appearance made.

APPEARANCE BY HARLAN KELLY THANKING COUNCIL AND CODE ENFORCEMENT FOR PROGRESS IN ADDRESSING PROBLEMS ALONG THE WHITESBRIDGE ROAD AREA

Appearance made.

APPEARANCE BY UNIDENTIFIED GENTLEMAN REGARDING LACK OF ENFORCEMENT OF VEHICLES PARKED IN BIKE LANES

Appearance made.

CONCERN WITH A NON-PROFIT ORGANIZATION WHO RECEIVES CITY FUNDING ENDORSING A CANDIDATE FOR POLITICAL OFFICE - COUNCILMEMBER DUNCAN

Councilmember Duncan noted the Fresno Area Rail Consolidation Group, a non-profit organization, held a press conference this date endorsing a candidate, expressed his concern stating he did not believe they could legally do that and was also concerned that they were receiving City funds, and requested clarification on their action, with City Attorney Montoy responding and stating she would have to look into the issue. Councilmember Duncan stated it was inappropriate for anyone who receives City funding to make endorsements and take those types of aggressive stands.

- - - -

(11:30 A.M.) APPROVE AMENDMENT TO THE EXISTING AGREEMENT WITH SUNSET WASTE PAPER INC., TO PROVIDE PROCESSING SERVICES FOR RECYCLABLE MATERIALS

Public Utilities Director McIntyre gave a brief overview of the issue, advised Mr. Hilton was present to answer questions and to represent the analysis, recommendation and substance of the report, and added it appeared that this was a very favorable price point for the City and at Councilmember Duncan's request advised the contract extension term was modified from 20 years to 10 years.

Robert Hilton, Hilton Farnkopf & Hobson, LLC (Hilton), reviewed the background of the issue including past direction to negotiate the best terms with Sunset Waste and to not negotiate with anyone else or look at the option of a city-owned facility, and summarized and reviewed the key items in the contract amendment at length.

Speaking in opposition to the contract extension were: Jerry Murphy, representing USA Waste, 4333 E. Jefferson, **(5 - 0)**; and Evan W. R. Edgar, 1301 D Street, Sacramento, Edgar & Associates, on behalf of Solid Waste Industry on statewide issues.

Kearney Blvd., Board of Directors for the West Fresno Coalition for Economic Development, Vice President of Fresno Development Co., Co-Chairman of West Fresno Advisory Committee, and Chairman of Concerned Citizens of Fresno; Val Saldana, 5200 N. Palm #401, on behalf of Sunset Waste; and Barbara Hunt, 612 "F" Street.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the issue.

Mr. McIntyre and City Manager Hobbs responded to questions of Councilmember Duncan relative to the Chamber of Commerce's past opposition and if staff met with them, assurances Sunset Waste will not come back (if approved) with a rate increase request due to market changes or underestimations, and the city manager's regards on the issue. Councilmember Duncan stated he saw this as an opportunity for huge savings for the city adding Council would remiss to ignore this, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Ronquillo who spoke in support staff's recommendation and to Sunset Waste's (and Buzz Oates') investment in the area.

Lengthy discussion ensued with Mr. Hilton, Mr. Hobbs, Mr. McIntyre, Mr. Edgar and Mr. Murphey clarifying issues and/or responding to questions, comments and/or concerns of Councilmember Boyajian, President Perea and Councilmembers Quintero and Castillo relative to who paid Hilton for their services, if Hilton had prior contact with Sunset, if Hilton talked with other competitors in their review, if comparisons were made with anyone other than Sunset, if there was the possibility of a better price with another company, comment that Sunset was operating illegally, Mr. Edgar submitting one page from a Cease and Desist letter from Fresno County to Sunset, a copy of which is on file in the office of the City Clerk and President Perea noting only Page 2 out of an 11 page letter was submitted and requested the other pages, property rezoning and if an environmental analysis was conducted, Councilmember Boyajian expressing his concern stating (1) the issue was integrity, (2) results were great but the process used in getting to the result needed to be looked at, and (3) stated a lot of local people were walked over and excluded in the process and elaborated, Councilmember Quintero stating he shared some of Councilmember Boyajian's concerns relative to a "deal being a deal", continued questioning relative to whether Mr. Hilton reviewed the agreement, if the prices were locked in if the company sold, Sunset's \$1.25 million in annual cash flow savings, if Mr. Hilton performed any of the audit functions to determine/verify the accuracy of any of the reported revenues, expenses and actual amount of the investment in the new facility, Sunset's performance with other processing contracts, upon question Mr. Murphey commenting additionally on Sunset's loan amortization schedule and issues relative to the Cease and Desist letter and need for a permit, USA's original cost per ton proposal, cost per ton if the subject amendment is approved (**6 - 0**), the disparity and if USA would be willing offer a revenue sharing provision, the city's history on recycling, and staff's clarification that Sunset was not operating illegally and the submittal of improper information in that regard. President Perea commented on how the matter got to this point, clarified staff came back with a recommendation based on prior Council direction, and stated the Chamber of Commerce now unanimously supported staff's recommendation because they received corrected information since the last consideration.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the First Amendment to the Agreement for processing services for recyclable materials with Sunset Waste Paper, Inc., hereby approved, and the Director of Public Utilities Director authorized to execute the amendment on behalf of the City, by the following vote:

Noes : Boyajian, Quintero
Absent : None

- - - -

LUNCH RECESS - 12:50 P.M. - 2:08 P.M. Councilmember Quintero arrived shortly into the meeting and Councilmember Ronquillo arrived later after closed session.

(2:00 P.M. #1) CONSIDER CONTESTED CONSENT CALENDAR ITEMS:

(1C) AWARD A REQUIREMENTS CONTRACT FOR ENERGY EFFICIENT WATER WELL MONITORS

Upon question of Councilmember Calhoun an unidentified Purchasing representative stated this was the first time Rain for Rent was being by-passed for being nonresponsive.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, bid items 1 and 2 rejected since no bidder complied with City specifications; Rain for Rent determined nonresponsive to the specifications for bid items 7 and 8 through 10; and a one-year requirements contract, with provisions for two one-year extensions, hereby awarded to Weir Floway, Inc., as the lowest responsive and responsible bidder in the amount of \$243,435.63 (excluding bid items 1 and 2) to furnish energy efficient water well motors, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Perea
Noes : None
Absent : Quintero, Ronquillo

(1D) AWARD A CONTRACT FOR ONE NEW 38-FOOT FIFTH-WHEEL POLICE MOBILE COMMAND TRAILER

Acknowledging the low bidder was being bypassed for not complying with bid specs, Councilmember Calhoun questioned why staff was recommending the contract be awarded to the next lowest bidder when their bid was way over the Engineer's estimate and expressed his concern, and Acting President Castillo concurred and questioned if the matter could be rebid to see whether a lower bid might be received and whether any funding would be lost with the delay, with an unidentified Purchasing representative and City Attorney Montoy responding, clarifying issues, and speaking to the police department's need for the trailer.

Councilmember Duncan commented briefly on the companies that bid on the contract and after questioning staff stated lower quotes would not be received if the matter were to be rebid, and made a motion to approve staff's recommendation, which was seconded and acted upon after additional discussion. Councilmember Quintero arrived at 2:17 p.m. Councilmember Calhoun questioned whether a trailer this specialized was really needed and stated if only one bidder could supply the trailer that maybe staff needed to rethink what they were asking for, and stated he did not have enough information, was concerned with the process, and would not support the motion. Lt. Callahan explained the process that was followed and why the trailer was needed.

Universal Speciality Vehicles, Inc., of Perris, CA determined to be nonresponsive to the specifications, and a contract hereby awarded to The Mattman Company of San Marcos, CA, in the amount of \$175,102.70 for one new 38-foot fifth wheel police mobile command trailer, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Perea
Noes	:	Calhoun, Castillo
Absent	:	Ronquillo

(1H) RESOLUTION NO. 2002-70 - INTENTION TO ANNEX PARCEL TRACT NOS. 4868, 4933 AND 5014 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 34

Councilmember Calhoun reiterated his concerns with entire CFD and LLMD processes and inadequate funding, stated he was looking for an assessment of the CFD system including assurances from the city manager that the acres annexed are adequately funded and would be in the future, noted if these assurances could not be made he felt other options needed to be considered such as reducing the number of acres being annexed, and stated until adequate assurances were in place he would continue to vote in opposition.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-70 intending to annex Tract Nos. 4868, 4933 and 5014 and setting a public hearing for April 9, 2002, at 10:00 a.m. hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	Calhoun
Absent	:	Ronquillo

City Manager Hobbs stated an informational workshop would be scheduled in the future to address concerns and questions.

(1I) RESOLUTION NO. 2002-71 - INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 6 AND TO AUTHORIZE SPECIAL TAXES, AND APPROVING LOCAL GOALS AND POLICIES PERTAINING TO COMMUNITY FACILITIES DISTRICTS (CFD)

Councilmember Calhoun advised his concerns were the same as those expressed with the previous matter.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-71 intending to establish CFD No. 6 and setting a public hearing for April 9, 2002, at 10:15 a.m. hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	Calhoun
Absent	:	Ronquillo

(1J) RESOLUTION NO. 2002-72 - AUTHORIZING SUBMITTAL OF GRANT APPLICATION FOR \$500,000

TO THE STATE OFFICE OF HISTORIC PRESERVATION, DEPARTMENT OF PARKS AND RECREATION
FOR FUNDING UNDER THE CALIFORNIA HERITAGE FUND GRANT PROGRAM TO PURCHASE THE BNSF
DEPOT AND FREIGHT STATION

Councilmember Calhoun commended staff for pursuing the grant but stated his concern was broader and had to do with the issue of the BNSF railroad station relinquishment and significant problems with BNSF, and questioned what would happen to the funding if the grant was received, with City Attorney Montoy responding advising a report was forthcoming on the issue and stated if the purpose for which the grant was being secured was unable to be completed the money would have to be returned adding there was no City obligation to BNSF.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-72 hereby adopted, and the Public Works Director appointed as agent of the City of Fresno to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, payment requests and so forth, which may be necessary for the completion of the project, subject to prior approval as to form by the City Attorney's Office, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1L) APPROVE AGREEMENT WITH URS CORPORATION AMERICAS FOR PROFESSIONAL ENVIRONMENTAL PLANNING SERVICES FOR VARIOUS ROAD IMPROVEMENT PROJECTS (TEN (10) TEA 21 - CYCLE 2 PROJECTS)

(1M) APPROVE AGREEMENT WITH URS CORPORATION AMERICAS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR PEACH AVENUE, BELMONT TO BUTLER WIDENING PROJECT

Acting President Castillo questioned if these two projects were the only ones URS was working on stating he had a concern with using URS so much, and also questioned whether other companies were qualified to perform the service, with Supervising Professional Engineer Jarvis responding. Councilmember Calhoun and President Perea stated they also had the same concern and President Perea requested a listing of all the consultant groups the City has contracted with in the past.

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, (1) an agreement with URS Corporation Americas for professional environmental planning services for ten TEA-21 funded projects hereby approved, and the City Manager authorized to sign the agreement on behalf of the City, and (2) an agreement with URS Corporation Americas for professional civil engineering services for Peach Avenue - Belmont Avenue to Butler Avenue Widening Project hereby approved, and the City Manager authorized to sign the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

- - - -

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. PATEL, ET AL. V. CITY OF FRESNO, ET AL.
2. FAMILY ALLIANCE FOR THE MENTALLY ILL V. CITY OF FRESNO, ET AL.
3. CITY OF FRESNO V. COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS

(B) SPECIAL JOINT SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY AND CITY OF FRESNO V. PETER STRAVINSKI, ET AL. (PALM LAKES GOLF COURSE)

The City Council met in regular and joint closed session in Room 2125 at the hour of 2:40 p.m. to consider the above issues and reconvened in regular open session at 4:01 p.m.

- - - -

(2:30 P.M.) HEARING TO CONSIDER VARIANCE APPLICATION NO. V-01-039 TO MODIFY LANDSCAPE SETBACK REQUIREMENTS, FILED BY SHEHADEY AND SHEHADEY, PROPERTY LOCATED AT 406 “H” STREET (DISTRICT 3)

1. DENY VARIANCE AND CONSIDER ALTERNATE 5-FOOT LANDSCAPED SETBACK ALONG “H” STREET

President Perea announced the time had arrived to consider the issue and opened the hearing.

Councilmember Ronquillo gave a brief overview and Planning Manager Beach reviewed the issue as contained in the staff report as submitted, and stated although staff understood the applicant’s concerns due to the tight site the main issue was establishing a precedent that could apply to other major developments in the core area

Jeff Cazaly, 8197 N. Barton, representing the Shehadey’s, and Mr. Shehadey, reviewed their proposal and the need for every foot of the property for their project, and advised of support for the project by various entities and requested Council support the alternate 5-foot setback.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Mr. Beach responded to questions of Councilmember Boyajian relative to whether the landscaping requirement was an aesthetic issue or safety issue and if their proposal would be negative for aesthetics. Councilmembers Boyajian and Ronquillo commented on the issue and spoke in support of and commended the Shehadey’s for their investment in the area and contributions to the community **(7 - 0)**.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Categorical Exemption for Environmental Assessment No. V-01-39, dated November 20, 2001, hereby approved, and Variance Application No V-01-39 denied and the alternate 5-foot landscaped setback as recommended by the Planning Commission approved, by the following vote:

Noes : Calhoun
Absent : None

- - - -

(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-28, REZONING APPLICATION NO. R-01-48, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, PROPERTY LOCATED ON THE WEST SIDE OF N. WILLOW BETWEEN E. SHEPHERD AND E. PERRIN AVENUES (DISTRICT 6)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-28, R-01-48, R-5048

2. RESOLUTION NO. 2002-73 - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-15 - ORDINANCE NO. 2002-14 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro reviewed the issue as contained in the staff report as submitted an recommended approval. A motion and second was made to approve staff's recommendation.

Councilmember Boyajian advised his position that there should be an EIR applied to this item and the 11:00 a.m. item and expressed his concern stating the cumulative affects of the two projects and the Copper River project would result in negative impacts which needed to be looked at with an EIR, and stressed the overriding concern should be the environment citing the city's unattainable air, with Mr. Haro addressing issues and responding to additional questions, comments and concerns relative to whether a project EIR was conducted, air quality problems, mitigation measures and alternative modes of transportation, if staff was concerned with the possibility of losing federal funds due to the air quality, health affects, if finances were available to mitigate air quality, and if the city has done a good job in addressing air quality. President Perea stated questions were turning argumentative and stated staff was following policy set by Council and that if desired the policy could be changed with four votes. Planning and Development Director Yovino responded to questions of Acting President Castillo relative what needed to be done to mitigate issues and stop these arguments. Acting President Castillo recommended Councilmember Boyajian form an ad hoc committee to meet with developers and other involved parties who would be more than willing to address the problem and that he would assist and serve and added Councilmember Boyajian raised a lot of valid concerns. Councilmember Boyajian emphasized the issue was an EIR was conducted as an informational gathering source and a tool to make an informed decision and questioned why everyone was afraid of doing an EIR, and made a motion to direct staff to conduct an EIR on the project, which motion was seconded by Acting President Castillo. Councilmember Duncan and City Attorney Montoy stated a motion and second was already on the floor and Ms. Montoy clarified if the motion on the floor fails Councilmember Boyajian's motion would be appropriate, which in effect would be to deny the project.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-28, R-01-48, T-5048 dated January 11, 2002, hereby approved, the above entitled Resolution No. 2002-73 hereby adopted, and the above entitled Bill No. B15 adopted as Ordinance No. 2002-14, by the following vote:

Ayes : Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes : Boyajian, Castillo
Absent : None

- - - -

(11:00 A.M.) HEARING TO CONSIDER PLAN AMENDMENT NO. A-01-07, REZONING APPLICATION NO. R-01-09, AND ENVIRONMENTAL FINDINGS, FILED BY ALUISI DEVELOPMENT , PROPERTY LOCATED

ON THE SOUTHEAST CORNER OF E. COPPER AVENUE AND THE N. CEDAR AVENUE ALIGNMENT (DISTRICT 6)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-07, R-01-09, R-5010

2. RESOLUTION NO. 2002-74 - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-16 - ORDINANCE NO. 2002-15 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 (COUNTY) TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation and Planner Sanchez advised there was no opposition to the project

Upon call, no one wished to be heard and President Perea closed the public hearing.

Councilmember Boyajian advised his concerns were the same as those expressed in the previous matter and reiterated an EIR was simply a tool to enable Council to make a decision on whether the environment would be affected.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-07, R-01-09, R-5010, dated January 14, 2002, hereby approved; the above entitled Resolution No. 2002-74 amending the Fresno General Plan and the Woodward Park Community Plan to change the planned uses of the project site from agriculture/urban reserve to medium-low density residential land uses and the reclassification of the major street designation of East Copper Avenue from the North Cedar Avenue alignment east, a distance of one quarter mile from arterial to superarterial hereby adopted; and the above entitled Bill No. B-16 rezoning the subject property subject to the approval and recordation of Tentative Tract Map No. 5010 and annexation of the property to the City of Fresno, adopted as Ordinance No. 2002-15, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

- - - -

RECESS - 4:38 P.M. - 5:08 P.M. Councilmember Ronquillo was absent for the remainder of the meeting.

(5:00 P.M.) APPEARANCE BY FARID ASSEMI, REPRESENTING COPPER RIVER RANCH, LLC, REQUESTING COUNCIL CONSIDERATION AND VOTE ON ALLOWING A SEPARATE "TAX SHARING" AGREEMENT BETWEEN THE CITY AND COUNTY ON THE "COPPER RIVER RANCH" PROJECT AREA
1. RESOLUTION - JOINT RESOLUTION BETWEEN THE COUNTY OF FRESNO AND THE CITY OF FRESNO

2. RESOLUTION NO. 2002-75 - AFFIRMING THE CITY'S WILLINGNESS TO NEGOTIATE PROPERTY TAX SHARING AGREEMENT WITH THE COUNTY OF FRESNO SHOULD THE DEVELOPER OF THE COPPER RIVER PROJECT SUBMIT A PETITION TO LAFCO FOR ANNEXATION OF THE COPPER RIVER PROJECT
(ADDED ALTERNATE CITY ATTORNEY VERSION "B")

Council a Declaration of Intent (Version A) to enter into an agreement for tax sharing that was approved by the Board this date, and requested Council approve the declaration.

Gary McDonald requested Council assist Copper River to have a separate tax sharing agreement so they can move forward adding they would be a remedy and part of the solution to many of the problems that already exist in the area.

Planning and Development Director Yovino gave a brief overview of the issue and noted the City Attorney's Office had reviewed the declaration submitted by Mr. Assemi and had some slight modifications. City Attorney Montoy recommended Council add language to developer's declaration should Council choose to adopt it and read the language into the record, and submitted an alternate resolution (Version B) stating it was similar in that the City and County would both agree to have the project in the City which would require a Sphere of Influence (SOI) amendment, annexation of the property, and negotiation of a stand alone agreement between the City and the County. Assistant City Attorney Avila reviewed the similarities and differences of Versions A and B.

Leroy Crum, 600 N. Hayes, Copper River property owner, spoke in support of the issue.

Brief discussion ensued with Mr. Assemi clarifying the spirit of his request and Mr. Avila responding to questions of Mr. McDonald and Councilmember Duncan relative to the petition process to change the SOI boundary, why staff felt their Version B was better than Version A, if Version B freed Copper River LLC from the confines of the previous MOU, and if Version B better accomplished what everyone was trying to do. Councilmember Duncan spoke in support of the issue and the Copper river project **(8 - 0)** stating Council was moving in the right direction and it was going to be a magnificent project and urged the developers to stay with it.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-75 (Version "B" as recommended by the City Attorney), hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	Boyajian
Absent	:	Ronquillo

- - - -

ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:32 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 5th day of March, 2002.

ATTEST:	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk

